

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:10CR237
vs.)
ANGEL AGUILERA-GALINDO,)
RAFAEL VELAZQUEZ,)
SANTIAGO CAMPOS,)
JOEL JALAPA-ENRIQUEZ and)
BRAULIO LARA,)
Defendants.) ORDER

This matter is before the court on the motion to continue by defendant Rafael Velazquez (Velazquez) (Filing No. 64). Velazquez seeks a continuance of the trial scheduled for October 4, 2010. Velazquez has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Velazquez consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Velazquez's counsel represents that the government's counsel has no objection to the motion. Upon consideration, the motion will be granted and trial will be continued as to all defendants.

IT IS ORDERED:

1. Velazquez's motion to continue trial (Filing No. 64) is granted.
2. Trial of this matter as to all defendants is re-scheduled for **November 1, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 23, 2010 and November 1, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 23rd day of September, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge